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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/419,246	10/15/1999	KENZO SEKIGUCHI	862.3071	9956

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EXAMINER	
POKRZYWA, JOSEPH R	
ART UNIT	**PAPER NUMBER**
2625	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/419,246	SEKIGUCHI ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-14,21-28,35,45 and 50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7-14,21-28,35,45 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/3/06 & 2/6/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 4/18/06, and has been entered and made of record. Currently, **claims 7-14, 21-28, 35, 45, and 50** are pending.

Response to Arguments

2. Upon further review of the reference of Sekiguchi *et al.* (U.S. Patent Number 6,185,604), which was cited in the Office action dated 1/13/06, the examiner notes that Sekiguchi still can be interpreted as anticipating the claims, as currently amended.

3. Applicant's arguments filed 4/13/06 have been fully considered but they are not persuasive.

4. In response to applicant's arguments regarding the rejection of claims **7-14, 21-28, 35, 45, and 50** are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi *et al.*, whereby applicant argues on pages 11-13 that the reference of Sekiguchi fails to teach of receiving data composed of a predetermined character code from a source, and subsequently, informing the source of the received data of the determination result from the first determining unit. The examiner notes that Sekiguchi still can be interpreted as teaching the claims, as currently worded. Particularly, as read in column 8, lines 2-6, Sekiguchi states that "the e-mail server 1-10 sends e-mail data 1 to the e-mail/facsimile machine 1-11 (step 2-7)." Thus, the e-mail/fax machine 1-11 receives data composed of a predetermined character code from the e-mail server 1-10, which is interpreted as the source. Continuing, in column 10, lines 6-11, Sekiguchi states that "In step 3-

12, the CPU 10-3 puts "delete requested" in DELETE MODE 3-12, so that a data delete request associated with the e-mail data 1 is sent to the e-mail server 1-10 in step 2-8. On reception of the e-mail data delete request, the e-mail server 1-10 deletes the e-mail data 1." Also, in column 10, lines 46-50, Sekiguchi states that the "CPU 10-3 returns the program to step 2-51 without transmitting a "data delete request" associated with the e-mail data to the e-mail server 1-10, because "don't delete" is stored in DELETE MODE." Further, in column 11, lines 11-15, Sekiguchi states that after determining the process is complete for all mails in step 2-51, "the CPU 10-3 of the e-mail/facsimile machine sends an e-mail data service termination request to the e-mail server 1-10." Thus, if the e-mail data is determined to be convertible into image data, the e-mail server is informed of this by the indication of a received delete request, whereas if the e-mail data is determined not to be convertible, a delete request is not sent to the e-mail server. Therefore the e-mail server 1-10, being the source of the received e-mail data, is informed of the determination result from the first determining unit during the receiving session.

5. Therefore, the rejection of independent **claim 7**, as well as independent **claims 21, 35, 45, and 50**, as cited in the Office action dated 1/13/06, as being anticipated by Sekiguchi *et al.*, are maintained and repeated in this Office action.

Information Disclosure Statement

6. The references listed in the Information Disclosure Statements submitted on 4/3/06 and 2/6/06 have been considered by the examiner (see attached PTO-1449's).

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 7-14, 21-28, 35, 45, and 50** are rejected under 35 U.S.C. 102(e) as being anticipated by Sekiguchi *et al.* (U.S. Patent Number 6,185,604, cited in the Office action dated 1/13/06)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding ***claim 7***, Sekiguchi discloses a communication apparatus (e-mail/fax machine 1-11, seen in Figs. 1 and 11) for forming and outputting image data on the basis of data received via a network (LAN 1-7, column 3, lines 43-67), comprising a receiving unit adapted to receive data composed of a predetermined character code from a source (column 7, line 3-column 8, line 16, whereby e-mail is received from the e-mail server 1-10), an extracting unit adapted to analyze the data received by the receiving unit and to extract binary data encoded by the character code (column 8, line 16-column 9, line 25), and a converting unit adapted to convert the binary data extracted by the extracting unit into image data (column 4, line 30-column 5, line 52), a first determining unit adapted to determine, during a receiving session by the receiving unit, whether the binary data is convertible into image data (column 10, line 19-column 11, line

15, see Figs. 2A and 2B), and a first informing unit adapted to inform the source of the received data of the determination result from the first determining unit during the receiving session (column10, line 19-column 11, line 15), wherein the first determining unit and the first informing unit operate during the same receiving session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 8***, Sekiguchi discloses the apparatus discussed above in claim 7, and further teaches that the receiving unit receives data by an electric mail protocol (column 5, line 53-column 6, line 62), and the first informing unit informs the source by using a response signal in the electric mail protocol (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 9***, Sekiguchi discloses the apparatus discussed above in claim 7, and further teaches of a second informing unit adapted to transmit, if the second determining unit determines that the data is inconvertible, a message concerning the information transmitted by the first informing unit in another session after the receiving session is completed (column 11, lines 1-15).

Regarding ***claim 10***, Sekiguchi discloses the apparatus discussed above in claim 9, and further teaches of a second determining unit adapted to determine a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data (column 5, line 53-column 6, line 62), wherein the second informing unit transmits a message corresponding to the language type determined by the second determining unit (column 10, line 19-column 11, line 15).

Regarding ***claim 11***, Sekiguchi discloses the apparatus discussed above in claim 7, and further teaches of a third determining unit adapted to transmit, during the receiving session by

the receiving unit, whether the binary data encoded by the character code can be decoded (column 10, line 19-column 11, line 15), wherein the first informing unit informs the source of the received data of the determination result from the third determining unit during the receiving session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 12***, Sekiguchi discloses the apparatus discussed above in claim 11, and further teaches that the receiving unit receives data by an electric mail protocol (column 5, line 53-column 6, line 62), and the first informing unit informs by using a response signal in the electric mail protocol (see Figs. 2A and 2B, and column 5, line 53-column 6, line 62).

Regarding ***claim 13***, Sekiguchi discloses the apparatus discussed above in claim 11, and further teaches of a third informing unit adapted to transmit, if the third determining unit determines that the data is inconvertible, a message concerning the information transmitted by the first informing unit in another session after the receiving session is completed (column 11, lines 1-15).

Regarding ***claim 14***, Sekiguchi discloses the apparatus discussed above in claim 13, and further teaches of a language determining unit adapted to determine a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data (column 10, line 19-column 11, line 15), wherein the third informing unit transmits a message corresponding to the language type determined by the language determining unit (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 21***, Sekiguchi discloses a method for forming and outputting image data on the basis of data received via a network (LAN 1-7, column 3, lines 43-67), comprising the steps of receiving data composed of a predetermined character code from a source (column 7,

line 3-column 8, line 16, whereby e-mail is received from the e-mail server 1-10), analyzing the received data and extracting binary data encoded by the character code (column 8, line 16-column 9, line 25), and converting the extracted binary data into image data (column 4, line 30-column 5, line 52), determining, during a receiving session in which the receiving step is performed, whether the binary data is convertible into image data, and outputting a second determination result (column 10, line 19-column 11, line 15, see Figs. 2A and 2B), and informing the source of the received data of the second determination result during the receiving session (column 10, line 19-column 11, line 15), wherein the determining step and the informing step are performed during the same receiving session (see Figs. 2A and 2B, and column 10, line 19-column 11, line 15).

Regarding ***claim 22***, Sekiguchi discloses the method discussed above in claim 21, and further teaches that the receiving step receives data by an electric mail protocol (column 5, line 53-column 6, line 62), and the second determination result is transmitted by using a response signal in the electric mail protocol (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 23***, Sekiguchi discloses the method discussed above in claim 21, and further teaches of transmitting, if the second determining result indicates that the data is inconvertible, a message concerning the second determination result in another session after the receiving session is completed (column 11, lines 1-15).

Regarding ***claim 24***, Sekiguchi discloses the method discussed above in claim 23, and further teaches of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data (column 5, line 53-column 6,

line 62), wherein a message corresponding to the determined language type is transmitted in another session (column 10, line 19-column 11, line 15).

Regarding ***claim 25***, Sekiguchi discloses the method discussed above in claim 21, and further teaches of determining, during the receiving session of the receiving step, whether the binary data encoded by the character code can be decoded, and outputting a third determination result (column 10, line 19-column 11, line 15), wherein the source of the received data is informed of the third determination result during the receiving session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 26***, Sekiguchi discloses the method discussed above in claim 25, and further teaches that the receiving step includes receiving data by an electric mail protocol (column 5, line 53-column 6, line 62), and the informing step includes informing the source by using a response signal in the electric mail protocol (see Figs. 2A and 2B, and column 5, line 53-column 6, line 62).

Regarding ***claim 27***, Sekiguchi discloses the method discussed above in claim 25, and further teaches of transmitting, if the third determination result indicates that the data is inconvertible, a message concerning the third determination result in another session after the receiving session is completed (column 11, lines 1-15).

Regarding ***claim 28***, Sekiguchi discloses the method discussed above in claim 27, and further teaches of determining a language type of the source of the received binary data, which is extracted from a character data portion other than the binary data (column 10, line 19-column 11, line 15), wherein a message corresponding to the determined language type is transmitted in another session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 35***, Sekiguchi discloses a storage medium storing a computer program to be executed by a computer of a communication apparatus (e-mail/fax machine 1-11, seen in Figs. 1 and 11, column 4, lines 1-12) for forming and outputting image data on the basis of data received via a network (LAN 1-7, column 3, lines 43-67), the computer program comprising the steps of receiving data composed of a predetermined character code from a source (column 7, line 3-column 8, line 16, whereby e-mail is received from the e-mail server 1-10), analyzing the received data and extracting binary data encoded by the character code (column 8, line 16-column 9, line 25), and converting the extracted binary data into image data (column 4, line 30-column 5, line 52), determining, during a receiving session in which the receiving step is performed, whether the binary data is convertible into image data, and outputting a second determination result (column 10, line 19-column 11, line 15, see Figs. 2A and 2B), and informing the source of the received data of the second determination result during the receiving session (column 10, line 19-column 11, line 15), wherein the determining step and the informing step are performed during the same receiving session (see Figs. 2A and 2B, and column 10, line 19-column 11, line 15).

Regarding ***claim 45***, Sekiguchi discloses a communication apparatus (e-mail/fax machine 1-11, seen in Figs. 1 and 11) comprising a receiving unit adapted to receive electronic mail from a source (column 7, line 3-column 8, line 16, whereby e-mail is received from the e-mail server 1-10), an extracting unit adapted to analyze the electronic mail received by the receiving unit and to extract binary data attached to the electronic mail (column 8, line 16-column 9, line 25), and a converting unit adapted to convert the binary data extracted by the extracting unit into image data (column 4, line 30-column 5, line 52), and an output unit adapted to output the image data

converted by the converting unit (column10, line 19-column 11, line 15), wherein if during a receiving session of the electronic mail, the converting unit detects that the binary data is inconvertible into image data (column 10, line 19-column 11, line 15, see Figs. 2A and 2B), the source of the electronic mail is informed of a conversion error during the same receiving session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Regarding ***claim 50***, Sekiguchi discloses a method of forming and outputting image data on the basis of received via a network (LAN 1-7, column 3, lines 43-67), comprising the steps of receiving electronic mail from a source (column 7, line 3-column 8, line 16, whereby e-mail is received from the e-mail server 1-10), analyzing the received electronic mail and extracting binary data attached to the electronic mail (column 8, line 16-column 9, line 25), and converting the extracted binary data into image data (column 4, line 30-column 5, line 52), and outputting the converted image data (column10, line 19-column 11, line 15), wherein if during a receiving session of the electronic mail, the binary data is found to be inconvertible into image data (column 10, line 19-column 11, line 15, see Figs. 2A and 2B), the source of the electronic mail is informed of a conversion error during the same receiving session (see Figs. 2A and 2B, and column10, line 19-column 11, line 15).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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